

1-1 By: Seliger S.B. No. 1386  
1-2 (In the Senate - Filed March 5, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 March 31, 2009, reported favorably by the following vote: Yeas 11,  
1-5 Nays 0; March 31, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to priority groundwater management areas.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (a), Section 35.007, Water Code, is  
1-11 amended to read as follows:

1-12 (a) The executive director and the executive administrator  
1-13 shall meet periodically to identify, based on information gathered  
1-14 by the commission and the Texas Water Development Board, those  
1-15 areas of the state that are experiencing or that are expected to  
1-16 experience, within the immediately following 50-year [~~25-year~~]  
1-17 period, critical groundwater problems, including shortages of  
1-18 surface water or groundwater, land subsidence resulting from  
1-19 groundwater withdrawal, and contamination of groundwater supplies.  
1-20 Not later than September 1, 2005, the commission, with assistance  
1-21 and cooperation from the Texas Water Development Board, shall  
1-22 complete the initial designation of priority groundwater  
1-23 management areas across all major and minor aquifers of the state  
1-24 for all areas that meet the criteria for that designation. The  
1-25 studies may be prioritized considering information from the  
1-26 regional planning process, information from the Texas Water  
1-27 Development Board groundwater management areas and from  
1-28 groundwater conservation districts, and any other information  
1-29 available. After the initial designation of priority groundwater  
1-30 management areas, the commission and the Texas Water Development  
1-31 Board shall annually review the need for additional designations as  
1-32 provided by this subsection.

1-33 SECTION 2. Section 35.008, Water Code, is amended by adding  
1-34 Subsection (j) to read as follows:

1-35 (j) The commission may adopt rules regarding:

1-36 (1) the creation of a district over all or part of a  
1-37 priority groundwater management area that was designated as a  
1-38 critical area under Chapter 35, Water Code, as that chapter existed  
1-39 before September 1, 1997, or under other prior law; and

1-40 (2) the addition of all or part of the land in a  
1-41 priority groundwater management area described by Subdivision (1)  
1-42 to an existing district.

1-43 SECTION 3. All governmental acts and proceedings, including  
1-44 the adoption of rules, of the Texas Commission on Environmental  
1-45 Quality relating to the creation of a groundwater conservation  
1-46 district over all or part of a priority groundwater management area  
1-47 that was designated as a critical area under Chapter 35, Water Code,  
1-48 as that chapter existed before September 1, 1997, or under other  
1-49 prior law, are validated in all respects as of the dates on which  
1-50 they occurred.

1-51 SECTION 4. Subsection (a), Section 35.007, Water Code, as  
1-52 amended by this Act, applies only to a designation of a priority  
1-53 groundwater management area made by the Texas Commission on  
1-54 Environmental Quality on or after the effective date of this Act. A  
1-55 designation made before the effective date of this Act is governed  
1-56 by the law in effect when the designation was made, and that law is  
1-57 continued in effect for that purpose.

1-58 SECTION 5. This Act takes effect immediately if it receives  
1-59 a vote of two-thirds of all the members elected to each house, as  
1-60 provided by Section 39, Article III, Texas Constitution. If this  
1-61 Act does not receive the vote necessary for immediate effect, this  
1-62 Act takes effect September 1, 2009.

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